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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|----------------------|------------------|
| 10/730,910                         | 12/10/2003  | Jeong Sik Han        | 034079-001           | 6730             |
| 21839                              | 7590        | 02/28/2005           | EXAMINER             |                  |
| BURNS DOANE SWECKER & MATHIS L L P |             |                      | PAYER, HWEI SIU CHOU |                  |
| POST OFFICE BOX 1404               |             |                      | ART UNIT             |                  |
| ALEXANDRIA, VA 22313-1404          |             |                      | PAPER NUMBER         |                  |

3724

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                            |  |
|------------------------------|-------------------------------|----------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/730,910 | Applicant(s)<br>HAN ET AL. |  |
|                              | Examiner<br>Hwei-Siu C. Payer | Art Unit<br>3724           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 is/are allowed.
- 6) ☒ Claim(s) 24,25,27,29,30,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 1-23,26,28,31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## Detailed Action

### Drawings Objection

The drawings are objected to because:

- (1) In Fig.3a, "19" has not been described in the specification.
- (2) In Figs.3a and 14, "53a" have not been described in the specification.
- (3) In Figs.20ad and 20b, "12a" and "12b" have not been described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Objection to the Specification**

The disclosure is objected to because of the following informalities:

- (1) On page 8, line 14, "20" should read --12--.
- (2) On page 8, line 16, "cast" should read --case--.
- (3) On page 9, line 18, "21,22" should read --25,26--.
- (4) On page 10, line 3, "in Figs. 4a to 6" should be deleted since the click projection is not formed on the cutters 20 in Figs. 4a to 6.
- (5) On page 10, line 13, "101" should read --11--.
- (6) On page 10, line 18, "213" should read --212--.
- (7) On page 11, line 5, "43" should read --44--.
- (8) On page 12, line 19, "covers 10a,10b" should read --cover 10a--.
- (9) On page 12, line 24, "covers 10a,10b" should read --cover 10b--.
- (10) On page 13, line 2, "directly contacted to the body 10 with directed upwardly" should simply read --directly contacted with the body 10--.
- (11) On page 13, line 14, "angle []" should read --angle  $\theta$ -- (see Fig.14).
- (12) On page 14, line 3, "receiving part 10 of the body" should read --receiving part 18 of the body 10--.

(13) On page 14, line 4, "the file plate is not contacted to the file plate" does not make sense.

(14) On page 14, line 20, "1" should read --one--.

(15) On page 14, line 21, "An one side" should read --One side--.

(16) On page 15, line 26, "an" should read --a--.

Appropriate correction is required.

### **Claims Objection**

Claims 1-33 are objected to because of the following informalities:

(1) In claim 1, line 5, "the cutting blade" should read --the cutting blades--.

(2) In claim 1, line 9, "an upper side" should read --the upper side-- (note line 7 of the claim).

(3) In claim 1, lines 10 and 11, "the cutter" should read --the nail cutter--.

(4) In claims 3 and 4, lines 2-3, "serving to" should read --serving as--.

(5) In claim 5, line 5, "with having" does no make sense.

(6) In claim 12, line 2, "the cutter" should read --the nail cutter--.

(7) In claims 13, 17, 18, 19, 21 and 22, line 3, "the cutter" should read --the nail cutter--.

(8) In claim 24, line 2, "in one side" should read --on one side--.

(9) In claim 24, line 4, "the cutting blade" should read --the cutting blades--.

Appropriate correction is required.

**Claims Rejection - 35 U.S.C. 112, second paragraph**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claims 33 and 34, line 3, "both projecting shafts" is vague. Are these shafts in addition to an opposite respectively projection shaft?

(2) In claims 33 and 34, line 4, "a shaft" is vague. Is it in addition to the projection shafts and the supporting shaft? As the disclosed invention is understood, the projection shafts 43 are connected by the supporting shaft 44. See Fig.3a and page 10, lines 25-29 of the specification. It appears "a shaft" in the claims should read --the supporting shaft--.

(3) In claims 33 and 34, lines 4-5, it is not clear what are formed on the opposite surface of the concave part.

**Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 24, 27 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Plaskon (U.S. Patent No. 3,042,047).

Plaskon discloses a nail cutter (see Figs.8-11) comprising opposite cutting blades (200) formed on one side end thereof; an upper cutter (20a,14a) and a lower cutter (18a,16a) facing each other and each having a supporting shaft hole (see Figs.8-10) and having a rigid section (18a,20a) and an elastic section (14a,16a) by bending (at line 100a) the other side thereof, the rigid section (18a,20a) having a rigidity reinforcing means (22a), and the elastic section (14a,16a) having a breakage preventing and elastic flexible means (i.e. the holes adjacent the bent line 100a) as claimed. Further, the breakage preventing and elastic flexible means (i.e. the holes adjacent the bent line 100a) is constituted so that a portion remaining from the elastic sections (14a,16a) maintains the same width which is narrower than the width of the upper cutter (20a,14a) and the lower cutter (18a,16a). Elements (106a) in Plaskon are considered as reinforcing ribs that are pressed on both side ends of the rigid section (18a,20a) to reinforce the rigidity of the cutter as claimed.

### **Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plaskon (U.S. Patent No. 3,042,047).

Plaskon's nail cutter as set forth shows all the claimed structure except the reinforcing ribs (106a) are bent at an angle other than the claimed right angle, and the holes that form the breakage preventing and elastic flexible means are circular rather than elongated.

However, the claimed bent angle and the shape of the hole are not patentably distinct over Plaskon. Since Applicant has not disclosed that having the reinforcing ribs bent at a right angle solves any problem or is for any particular purpose, it appears that Plaskon's bent reinforcing ribs (106a) would perform equal well with being bent at the claimed right angle. Further, the shape of the hole depends more upon personal preference than on any inventive concept.

#### **Indication of Allowable Subject Matter**

1. Claims 1-23 and 32 are objected to, but would be allowable if amended to overcome the objection as set forth. Claim 1 contains allowable subject matter because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the claimed subject matter. Specifically, the claimed nail clipper having the lever positioned on an upper side of the nail clipper body, and the nail cutter positioned on a lower side of the nail clipper body so that the nail cutter is rotatable within a range of 360 degrees without interference of an obstacle, when the nail cutter is rotated



centering around the supporting shaft is not shown or made obvious by the prior art of record or any combination thereof.

2. Claims 26, 28 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and to overcome the objection as set forth.

3. Claims 33 and 34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Claims 33 and 34 contain allowable subject matter because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the specifically claimed structure for a lever of a nail clipper.

4. Claim 35 is allowed because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the specifically claimed structure for a supporting shaft of a nail clipper.

#### **Prior Art Citations**

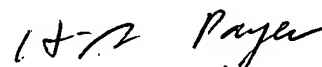
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matz et al., Casse, Bassett, Pocoski, Jurena, Johnson, Chaplick, Lewan, Rende and Park are cited as art of interest.

### Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer  
February 18, 2005



Hwei-Siu Payer  
Primary Examiner